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Jc685 U.S. PTO

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PTO/SB/05 (11-90)

PATENT APPLICATION TRANSMITTAL LETTER

Docket Number (Optional)

JBK-7

To the Commissioner of Patents and Trademarks:

Transmitted herewith for filing is the patent application of

JOSEPH B. KEJHA

entitled

HYDROGEN-ELECTRIC HYBRID VEHICLE
CONSTRUCTION.

Enclosed are:

- ☒ 10 sheets of drawings.
- ☐ an assignment of the invention to _____
- ☒ executed declaration of the inventors.
- ☐ a certified copy of a _____ application.
- ☐ associate power of attorney.
- ☒ a verified statement to establish small entity status under 37 CFR 1.9 and 1.27.
- ☒ information disclosure statement
- ☐ preliminary amendment
- ☒ other: Cross reference to related disclosures.
Certificate of Mailing

Jc530 U.S. PTO
09/350713

07/09/99

CLAIMS AS FILED

	NUMBER FILED	NUMBER EXTRA	RATE	FEE
BASIC FEE			\$630.760	\$630.760
TOTAL CLAIMS	27 - 20 =	* 7	x \$20.18	\$126
INDEPENDENT CLAIMS	10 - 3 =	* 7	x \$60.78	\$546
MULTIPLE DEPENDENT CLAIM PRESENT			\$200.260	\$260
* NUMBER EXTRA MUST BE ZERO OR LARGER			TOTAL	\$1,692
If applicant has small entity status under 37 CFR 1.9 and 1.27, then divide total fee by 2, and enter amount here.			SMALL ENTITY TOTAL	\$846

- ☒ A check in the amount of \$ 846.00 to cover the filing fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge and credit Deposit Account No. _____ as described below. I have enclosed a duplicate copy of this sheet.
- ☐ Charge the amount of \$ _____ as filing fee.
- ☐ Credit any overpayment.
- ☐ Charge any additional filing fees required under 37 CFR 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 CFR 1.18 at the mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).

6-23-1999

Date

Signature

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EH049365695US

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10 (1)

I hereby certify that this correspondence is being deposited on the date indicated below with the United States Postal Service as Express Mail No. EH049365695 US, postage prepaid, in an envelope addressed to COMMISSIONER OF PATENTS AND TRADEMARKS, Box Patent Application, Washington, D.C. 20231.

July 9, 1999
Date

Joseph B. Kejha
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Meadowbrook, Pa. 19046
July 8, 1999

COMMISSIONER OF PATENTS AND TRADEMARKS
Box PATENT APPLICATION
Washington, D.C. 20231

Sir :

I am filing herewith a United States Patent Application of :

Inventor : Joseph B. Kejha

Title : HYDROGEN-ELECTRIC HYBRID VEHICLE CONSTRUCTION

The complete application includes the following :

(38) Pages Specification;	Fee Calculation Sheet;
(8) Pages Claims;	Information Disclosure Statement;
(1) Page Abstract;	Information Disclosure Citation;
(10) Sheets Drawings;	(3) Prior Art Articles;
Letter of Transmittal;	Cross Reference to Related Disclosures;
Declaration;	Post card receipt.
Small Entity Statement;	

A check in the amount of \$ 846.00 is enclosed.

Please address all communications to the following correspondence address :

JOSEPH B. KEJHA
1022 FREDERICK ROAD
MEADOWBROOK, PA. 19046
Telephone: (215) 947-8019

Respectfully submitted,
Joseph B. Kejha
Joseph B. Kejha
(applicant)

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(b))--INDEPENDENT INVENTOR

Docket Number (Optional)

JBK-7Applicant or Patentee: JOSEPH B. KEJHASerial or Patent No.: UNKNOWNFiled or Issued: CONCURRENTLY**BEST AVAILABLE COPY**Title: HYDROGEN-ELECTRIC HYBRID
VEHICLE CONSTRUCTION

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ No such person, concern, or organization exists.
☒ Each such person, concern or organization is listed below.

ELECTRION, INC.
1022 FREDERICK Rd.
MEADOWBROOK, PA. 19046

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

JOSEPH B. KEJHA

NAME OF INVENTOR

Signature of inventor

Date

6-23-1999

NAME OF INVENTOR

Signature of inventor

Date

NAME OF INVENTOR

Signature of inventor

Date

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN THE APPLICATION OF: Joseph B. Kejha
U.S. SERIAL NO: Unknown
FILED: Concurrently
FOR: Hydrogen-Electric Hybrid Vehicle Construction
GROUP: Unknown
EXAMINER: Unknown

Meadowbrook, Pennsylvania
June 23, 1999


CROSS REFERENCE TO RELATED DISCLOSURES

Commissioner of Patents & Trademarks
Washington, D.C. 20231

Dear Sir:

The applicant wishes to bring to your attention that this application is a continuation in part of a prior co-pending patent application of Joseph B. Kejha, Serial No. 08/950,445 filed October 15, 1997, entitled "LONG RANGE AND ULTRALIGHT ELECTRIC VEHICLE", which is a continuation in part of a prior patent application of Joseph B. Kejha, Serial No. 08/373,090, filed January 17, 1995, entitled "LONG RANGE AND SAFER ELECTRIC VEHICLE CONSTRUCTION" now abandoned, and which is related to a prior Disclosure Document of Joseph B. Kejha, Serial No. 322,973, filed January 12, 1993, entitled "LONG RANGE AND SAFER ELECTRIC VEHICLE CONSTRUCTION", which is related to a prior Disclosure Document of Joseph B. Kejha, Serial No. 298,996, filed January 27, 1992, entitled "LOW DRAG, LIGHTWEIGHT AND SAFER ELECTRIC VEHICLE CONSTRUCTION". This application is also related to a prior Disclosure Document of Joseph B. Kejha, Serial No. 452,940 filed March 15, 1999, entitled "LIGHTWEIGHT AND HIGH RATE ELECTROLYZER WITH LIGHTWEIGHT AND HIGH RATE HYDROGEN STORAGE" and to a prior Disclosure Document of Joseph B. Kejha, Serial No. 434,242 filed April 13, 1998, entitled "HYDROGEN-ELECTRIC HYBRID SYSTEM WITH SAFE FUEL STORAGE AND QUICK REFUELING FEATURE", and that these documents should be preserved permanently.

Respectfully submitted,


Joseph B. Kejha
(Applicant)

**THE APPLICABLE STANDARDS FOR
COMBINING REFERENCES UNDER SECTION 103**

The Patent and Trademark Office must prove a prima facie case of obviousness of the claimed invention.

"One of the more difficult aspects of resolving questions of non-obviousness is the necessity 'to guard against slipping into the use of hindsight.'" In re Carroll, 601 F.2d 1184, 1186, 202 USPQ 571, 572 (CCPA 1979) (quoting Graham v. John Deere Co., 383 U.S. 1, 36 [148 USPQ 459,474] (1965)). The Patent and Trademark Office has the burden of showing that the prior art would have taught or suggested the claimed invention to one of ordinary skill in the pertinent art, In re Clinton, 527 F.2d 1226, 1228, 188 USPQ 365, 367 (CCPA 1976).

In re Shaffer, 108 USPQ 326, 229 F.2d 476 (CCPA) \ 1956) is one of many cases in which it is pointed out that for a combination of old elements to be patentable, the elements must cooperate in such manner as to produce a new, unobvious, and unexpected result, citing In re Kaufman, 39 CCPA (Patents) 769, 193 F.2d 331, 92 USPQ 141 and In re Lindberg, 39 CCPA (Patents) 866, 194 F.2d 732, 93 USPQ 23.

The Court in Shaffer said:

"Furthermore, as a general matter, in determining patentability, the concept of a new and useful improvement must be considered along with the actual means of achieving the improvement. In re Delancy, 34 CCPA (Patents) 849, 159 F.2d 737, 72 USPQ 477. In re Bisley, 39 CCPA (Patents) 982, 197 F.2d 355, 94 USPQ 80."

In determining obviousness it is necessary to determine whether the references themselves suggest the desirability of the proposed combination.

In re Bergel and Stock 292 F.2d 955, 956-7, 130 USPQ 206, 208 (CCPA 1961) and In re Grabiak 769 F.2d 729, 732, 226 USPQ 870, 872 (Fed. Cir. 1985).

And in In re Imperato, 286 F.2d 585, 179 USPQ 730 (CCPA 1973) it is stated:

"The mere fact that the disclosures of the prior art can be combined does not make the combination obvious unless the art also contains something to suggest the desirability of the combination. In re Bergel. supra."

See also Interconnect Planning Corporation v. Feil, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1985).

Also, in In re Dow Chemical Co., 5 USPQ 2d 1529, (CAFC 1988) the Court said at page 1532:

"The PTO presents, in essence, an 'obvious to experiment' standard for obviousness. However, selective hindsight is no more applicable to the design of experiments than it is to the combination of prior art teachings. There must be a reason or suggestion in the art for selecting the procedure used, other than the knowledge learned from the applicant's disclosure."

Further, in In re Geiger, 2 USPQ 2d 1276 (CAFC 1987) the Court said at p. 1278:

"At best, in view of these disclosures, one skilled in the art

might find it obvious to try various combinations of these known scale and corrosion prevention agents. However, this is not the standard of 35 U.S.C. Sec. 103."

In order to establish a prima facie case of obviousness, the prior art teachings must be sufficient to suggest making the claimed apparatus. Here, there is no evidence of record which would have led one of ordinary skill at the time the invention was made to combine the prior art in the manner the Examiner proposes, to achieve applicants' structure.

There must have been a reason apparent at the time the invention was made to the person of ordinary skill in the art for applying the teaching at hand, in the manner proposed or the use of the teaching as evidence of obviousness will entail prohibited hindsight. In re Nomiya, 509 F.2d 566, 184 USPQ 607, 613 (CCPA 1975).

Obviousness is tested by "what the combined teachings of the references would have suggested to those of ordinary skill in the art." In re Keller, 642 F.2d 413, 415 208 USPQ 871, 881 (CCPA 1981). But it "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

See also:

In re Donovan and Ryan, 184 USPQ 414 (CCPA 1975)

In re Regel, Buchel and Plempel, 526 F.2d 1399, 188 USPQ 136 (CCPA 1976)

Ex parte Shepard and Gushue, 188 USPQ 563 (1974)

In re Reinhart 531 F.2d 1048, 189 USPQ 143 (CCPA 1976)

In Ex parte Thompson, 184 USPQ 558, the board, in considering a Section 103 rejection stated that it would not be obvious to substitute an element of a first reference for an element of a second reference, since to do so would destroy the apparatus of the second reference for its intended purpose.

See also:

Ex parte Hartman, 186 USPQ 366 (1974)

In re Meng and Driessen, 492 F.2d 843, 181 USPQ 94 (CCPA 1974) states:

"As we said in In re Shuman, 53 CCPA 1251, 361 F.2d 1008, 1012, 150 USPQ 54, 57 (1966) references must be evaluated by ascertaining the facts fairly disclosed therein as a whole."

The CAFC in a recent case set forth the proper inquiry for evaluating references as:

References must be considered for all that they teach. W.L. Gore & Assoc. v. Garlock, Inc., 721 F.2d 1540, 1550, 220 USPQ 303, 311 (Fed. Cir. 1983) cert. denied, 469 U.S. 851 (1984).

See also In re Fritch, 23 USPQ 2d 1780 (CAFC 1992).

In combining references, the Examiner did not and could not:

1. Find any suggestion of the desirability of the proposed combination;
2. Find any suggestion for combining the references in the references themselves;
3. Find any suggestion in the references taken as a whole of the structure claimed;
4. Find the actual structure as claimed and employed to achieve a new and unexpected result.